

### **REMARKS**

Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action of December 19, 2006.

Reconsideration of the Application is requested.

### **The Office Action**

Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,842,178 issued to Giovanolli.

### **The Art Rejections**

#### **Independent Claim 1 not Anticipated by Giovannoli**

With reference to independent claim 1 of the present application, the Office Action asserts that Giovannoli discloses all of the limitations recited in the claim, citing columns 1-8, lines 1-67 for each of the recited limitations. Applicants respectfully traverse the rejection of independent claim 1. Although Giovannoli describes a "computerized system for forming a computer based communications network of network members inclusive of network buyers and or network vendors for processing requests for quotation for goods and services", it differs significantly from embodiments of the present application and, more significantly, lacks features recited in claim 1, as amended, of the present application as discussed in more detail below.

The computerized system described by Giovannoli is specifically limited only to requests for quotation for goods and services which are standard items. For example, Giovannoli states that "the goods and services must be standard items to ensure that there is no confusion as to what buyers are requesting and what sellers are offering to buyers" (col. 3, line 66 – col. 4, line 1, underlining added). Further, Giovannoli teaches that the "programming (e.g. Internet HTML pages or quotation system provided software) which enables network members to interact with the network would include information sufficient for network members to identify standard goods or services that they wish to identify in a request for quotation. Standardization of product or service descriptions is essential to avoid confusion unless a more text oriented specification is appropriate to the product or service type" (col. 4, lines 7-15, underlining added).

Contrariwise, the present application describes a method of exchanging data between a buyer and suppliers which has specific provisions for both commodity items

and non-commodity items. For example, claim 1 of the present application, as amended, recites a limitation for “determining whether the request for quotation is for a commodity part or device or is for a non-commodity part or device, and (i) selecting which of the generated documents are to be attached as part of an item bidding process corresponding to each of the commodity parts or devices or (ii) selecting which of the generated documents are to be attached as part of a service bidding process corresponding to each of the non-commodity parts or devices.” It should be noted that specific provision is made for providing selected documents relating to each specific service bid in the service bidding process for non-commodity parts or devices (paragraph 30). As described in paragraph 29, this feature advantageously enables selection of documents from the generated documents which are more specifically associated with the part or device of the generated bid. Applicants submit that Giovannoli neither teaches nor suggests this feature as recited in claim 1 of the present application, as amended.

Further to the above, Giovannoli describes no provision or need for attachments. In fact, Giovannoli primarily describes using FTP to communicate RFQs with no mention of attachments in the Giovannoli reference (col. 5, line 40–44). With reference to e-mail, Giovannoli describes preparing an e-mail for requesting buyers and forwarding same as required (col. 4, lines 49-52). Giovannoli further describes using e-mail for communicating password information (col. 4, lines 61-63) and e-mailing RFQ data to the buyer (col. 5, lines 51-54). However, Giovannoli does not describe or suggest using e-mail attachments for providing the RFQ data. To the contrary, Giovannoli suggests using HTML type e-mail so that hypertext links and data about the quotation can be embedded in the e-mail message (col. 5, line 65 – col. 6, line 14).

Independent claim 1 of the present application, as amended, clearly recites four separate limitations describing attachments, including the above-quoted limitation which includes “selecting which of the generated documents are to be attached as part of an item bidding process.” Applicants also submit that Giovannoli neither teaches nor suggests this feature as recited in claim 1 of the present application, as amended.

With reference now to dependent claims 2-9, additional limitations relating to the RFQs are recited. The recited limitations serve to further distinguish these claims over the cited Giovannoli reference. It is respectfully submitted, therefore, that the Giovannoli patent does not teach, support, or fairly disclose each and every element of

independent claim 1, as amended, and dependent claims 2-9. For at least the above-stated reasons, it is respectfully submitted that independent claim 1 and claims 2-9 depending therefrom, are patentably distinct and unobvious over the art of record and are in condition for allowance.

### CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-9) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

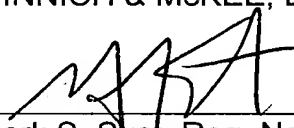
In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Mark Svat, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

Date

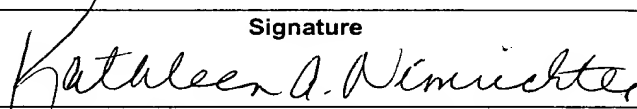
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### CERTIFICATE OF MAILING

I certify that this Amendment A and accompanying documents are being

- ☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8 and addressed to: MAIL STOP Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 and addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:	Signature 
Date: <b>March 19, 2007</b>	Printed Name: <b>Kathleen A. Nimrichter</b>